

# Senate Amendment 3326

PAG LIN

1 1 Amend the Senate amendment, H=1701, to House File  
1 2 811, as amended, passed, and reprinted by the House,  
1 3 as follows:  
1 4 [#1.](#) Page 1, line 31, by striking the figure  
1 5 <305,000> and inserting the following: <5,000>.  
1 6 [#2.](#) Page 1, line 38, by striking the figure  
1 7 <750,000> and inserting the following: <900,000>.  
1 8 [#3.](#) Page 2, by inserting after line 46 the  
1 9 following:  
1 10 <4A. As a condition of receiving the appropriation  
1 11 in subsection 1, the department of justice shall  
1 12 transfer at least \$2,450,000 from the victim  
1 13 compensation fund established in section 915.94 to the  
1 14 victim assistance grant program.>  
1 15 [#4.](#) Page 3, by striking lines 21 through 38.  
1 16 [#5.](#) Page 4, line 47, by striking the figure  
1 17 <38,923,261> and inserting the following:  
1 18 <38,840,761>.  
1 19 [#6.](#) Page 5, line 1, by striking the figure  
1 20 <27,257,452> and inserting the following:  
1 21 <27,199,702>.  
1 22 [#7.](#) Page 5, line 9, by striking the figure  
1 23 <25,730,278> and inserting the following:  
1 24 <25,650,778>.  
1 25 [#8.](#) Page 5, line 13, by striking the figure  
1 26 <25,073,632> and inserting the following:  
1 27 <24,916,132>.  
1 28 [#9.](#) Page 5, line 17, by striking the figure  
1 29 <23,753,340> and inserting the following:  
1 30 <23,694,840>.  
1 31 [#10.](#) Page 5, line 21, by striking the figure  
1 32 <8,096,378> and inserting the following: <8,039,378>.  
1 33 [#11.](#) Page 5, line 25, by striking the figure  
1 34 <22,904,497> and inserting the following:  
1 35 <22,853,497>.  
1 36 [#12.](#) Page 5, line 34, by striking the figure  
1 37 <14,002,603> and inserting the following:  
1 38 <13,867,603>.  
1 39 [#13.](#) Page 5, line 38, by striking the figure  
1 40 <26,315,943> and inserting the following:  
1 41 <26,244,693>.  
1 42 [#14.](#) Page 7, line 4, by striking the figure  
1 43 <1,008,358> and inserting the following: <1,058,358>.  
1 44 [#15.](#) Page 7, by inserting after line 34 the  
1 45 following:  
1 46 <d. For offender mental health and substance abuse  
1 47 treatment:  
1 48 ..... \$ 125,000>  
1 49 [#16.](#) Page 8, line 50, by striking the figure  
1 50 <10,718,695> and inserting the following:  
2 1 <10,501,186>.  
2 2 [#17.](#) Page 9, line 7, by striking the figure  
2 3 <8,308,209> and inserting the following: <8,230,603>.  
2 4 [#18.](#) Page 9, line 14, by striking the figure  
2 5 <4,983,792> and inserting the following: <4,805,458>.  
2 6 [#19.](#) Page 9, line 21, by striking the figure  
2 7 <4,443,392> and inserting the following: <4,427,796>.  
2 8 [#20.](#) Page 9, line 26, by inserting after the word  
2 9 <program,> the following: <and funding for electronic  
2 10 monitoring devices for use on a statewide basis,>.  
2 11 [#21.](#) Page 9, line 28, by striking the figure  
2 12 <14,678,288> and inserting the following:  
2 13 <14,167,169>.  
2 14 [#22.](#) Page 9, line 35, by striking the figure  
2 15 <10,598,160> and inserting the following:  
2 16 <10,378,668>.  
2 17 [#23.](#) Page 9, line 42, by striking the figure  
2 18 <6,010,963> and inserting the following: <5,870,653>.  
2 19 [#24.](#) Page 9, line 49, by striking the figure  
2 20 <6,164,249> and inserting the following: <5,970,648>.  
2 21 [#25.](#) Page 13, line 40, by striking the figure  
2 22 <3,370,033> and inserting the following: <3,073,274>.  
2 23 [#26.](#) Page 13, line 50, by striking the figure  
2 24 <15,682,052> and inserting the following:

2 25 <14,760,898>.  
2 26 #27. Page 14, line 1, by striking the figure  
2 27 <225.50> and inserting the following: <228.50>.  
2 28 #28. Page 14, by striking lines 2 through 18.  
2 29 #29. Page 14, by striking lines 22 through 37.  
2 30 #30. Page 15, line 22, by striking the figure  
2 31 <2,181,998> and inserting the following: <2,256,998>.  
2 32 #31. Page 15, line 23, by striking the figure <39.00> and  
2 33 inserting the following: <42.00>.  
2 34 #32. Page 15, line 46, by striking the figure  
2 35 <43,747,973> and inserting the following:  
2 36 <43,076,973>.  
2 37 #33. By striking page 15, line 48, through page  
2 38 16, line 14.  
2 39 #34. Page 17, line 9, by striking the figure  
2 40 <1,000,788> and inserting the following: <950,788>.  
2 41 #35. By striking page 18, line 18 through page 19,  
2 42 line 34 and inserting the following:

2 43 <METHAMPHETAMINE BAIL  
2 44 PROVISIONS

2 45 Sec. \_\_\_\_\_. Section 804.21, subsection 1, Code 2005,  
2 46 as amended by 2005 Iowa Acts, Senate File 169, section  
2 47 7, is amended to read as follows:

2 48 1. A person arrested in obedience to a warrant  
2 49 shall be taken without unnecessary delay before the  
2 50 nearest or most accessible magistrate. The officer  
3 1 shall at the same time deliver to the magistrate the  
3 2 warrant with the officer's return endorsed on it and  
3 3 subscribed by the officer with the officer's official  
3 4 title. However, this section, and sections 804.22 and  
3 5 804.23, do not preclude the release of an arrested  
3 6 person within the period of time the person would  
3 7 otherwise remain incarcerated while waiting to be  
3 8 taken before a magistrate if the release is pursuant  
3 9 to pretrial release guidelines or a bond schedule  
3 10 promulgated by the judicial council, unless the person  
3 11 is charged with manufacture, delivery, possession with  
3 12 intent to manufacture or deliver, or distribution of  
3 13 methamphetamine. If, however, a person is released  
3 14 pursuant to pretrial release guidelines, a magistrate  
3 15 must, within twenty-four hours of the release, or as  
3 16 soon as practicable on the next subsequent working day  
3 17 of the court, either approve in writing of the  
3 18 release, or disapprove of the release and issue a  
3 19 warrant for the person's arrest.

3 20 Sec. \_\_\_\_\_. Section 804.22, unnumbered paragraph 2,  
3 21 Code 2005, as amended by 2005 Iowa Acts, Senate File  
3 22 169, section 8, is amended to read as follows:

3 23 This section and the rules of criminal procedure do  
3 24 not affect the provisions of chapter 805 authorizing  
3 25 the release of a person on citation or bail prior to  
3 26 initial appearance, unless the person is charged with  
3 27 manufacture, delivery, possession with intent to  
3 28 manufacture or deliver, or distribution of  
3 29 methamphetamine. The initial appearance of a person  
3 30 so released shall be scheduled for a time not more  
3 31 than thirty days after the date of release.

3 32 Sec. \_\_\_\_\_. Section 811.2, subsection 1, unnumbered  
3 33 paragraph 2, Code 2005, as amended by 2005 Iowa Acts,  
3 34 Senate File 169, section 10, is amended to read as  
3 35 follows:

3 36 Any bailable defendant who is charged with unlawful  
3 37 possession, manufacture, delivery, or distribution of  
3 38 a controlled substance or other drug under chapter 124  
3 39 and is ordered released shall be required, as a  
3 40 condition of that release, to submit to a substance  
3 41 abuse evaluation and follow any recommendations  
3 42 proposed in the evaluation for appropriate substance  
3 43 abuse treatment. However, if a bailable defendant is  
3 44 charged with manufacture, delivery, possession with  
3 45 the intent to manufacture or deliver, or distribution  
3 46 of methamphetamine, its salts, optical isomers, and  
3 47 salts of its optical isomers, the defendant shall, in  
3 48 addition to a substance abuse evaluation, remain under  
3 49 supervision and be required to undergo random drug  
3 50 tests as a condition of release.

4 1 Sec. \_\_\_\_\_. Section 811.2, subsection 3, Code 2005,  
4 2 as amended by 2005 Iowa Acts, Senate File 169, section  
4 3 11, is amended to read as follows:

4 4 3. RELEASE AT INITIAL APPEARANCE. This chapter  
4 5 does not preclude the release of an arrested person as

4 6 authorized by section 804.21, unless the arrested  
4 7 person is charged with manufacture, delivery,  
4 8 possession with the intent to manufacture or deliver,  
4 9 or distribution of methamphetamine.

4 10 Sec. \_\_\_\_ EFFECTIVE DATE. This division of this  
4 11 Act, being deemed of immediate importance, takes  
4 12 effect upon enactment.>

4 13 #36. Page 19, by inserting before line 35 the  
4 14 following:

4 15 <DIVISION III  
4 16 SUPPLEMENTAL APPROPRIATIONS>.

4 17 #37. Page 21, by striking lines 37 through 49.

4 18 #38. Page 22, line 20, by striking the figure  
4 19 <25,251,339> and inserting the following:

4 20 <22,251,339>.

4 21 #39. Page 22, by inserting after line 34 the  
4 22 following:

4 23 <Sec. \_\_\_\_ 2004 Iowa Acts, chapter 1175, section  
4 24 192, subsection 4, paragraph a, is amended to read as  
4 25 follows:

4 26 a. For the state fire marshal's office, including  
4 27 the state's contribution to the peace officers'  
4 28 retirement, accident, and disability system provided  
4 29 in chapter 97A in the amount of 17 percent of the  
4 30 salaries for which the funds are appropriated, and for  
4 31 not more than the following full-time equivalent  
4 32 positions:

4 33 .....	\$	2,181,998
4 34 .....		2,281,998
4 35 .....	FTEs	39.00

4 36 Notwithstanding section 8.33, moneys appropriated  
4 37 in this lettered paragraph that remain unencumbered or  
4 38 unobligated at the close of the fiscal year shall not  
4 39 revert but shall remain available for expenditure for  
4 40 the purposes designated until the close of the  
4 41 succeeding fiscal year.>

4 42 #40. Page 23, by inserting after line 5 the  
4 43 following:

4 44 <DIVISION IV  
4 45 APPROPRIATIONS FROM HEALTHY IOWANS TOBACCO TRUST

4 46 Sec. \_\_\_\_ In addition to any other funds  
4 47 appropriated from the healthy Iowans tobacco trust  
4 48 created in section 12.65 to the department of  
4 49 corrections for the fiscal year beginning July 1,  
4 50 2005, and ending June 30, 2006, there is appropriated  
5 1 from the healthy Iowans tobacco trust to the  
5 2 department of corrections for the fiscal year  
5 3 beginning July 1, 2005, and ending June 30, 2006, the  
5 4 following amount, or so much thereof as is necessary,  
5 5 to be used for the purpose designated:

5 6 For the judicial district departments of  
5 7 correctional services:  
5 8 .....

5 9 .....	\$	800,000
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5 9 Of the funds appropriated in this division,  
5 10 \$100,000 shall be allocated to each judicial district  
5 11 department of correctional services.

5 12 DIVISION V  
5 13 CONTINGENT APPROPRIATIONS FROM  
5 14 MICROSOFT SETTLEMENT

5 15 Sec. \_\_\_\_ DIVISION OF THE IOWA STATE PATROL. In  
5 16 addition to any other funds appropriated from the  
5 17 general fund of the state to the division of the Iowa  
5 18 state patrol, there is appropriated from the general  
5 19 fund of the state to the division of the Iowa state  
5 20 patrol for the fiscal year beginning July 1, 2005, and  
5 21 ending June 30, 2006, an amount not exceeding \$785,000  
5 22 to be used for motor vehicle depreciation. The funds  
5 23 appropriated in this section are contingent upon  
5 24 receipt by the general fund of the state of an amount  
5 25 at least equal to the expenditure amount from costs or  
5 26 attorney fees awarded the state in settlement of its  
5 27 antitrust action against Microsoft brought under  
5 28 chapter 553. However, if the amounts received as a  
5 29 result of this settlement are in excess of \$785,000,  
5 30 the excess amounts shall not be appropriated to the  
5 31 division of the Iowa state patrol pursuant to this  
5 32 section.

5 33 Sec. \_\_\_\_ DIVISION OF CRIMINAL INVESTIGATION AND  
5 34 BUREAU OF IDENTIFICATION. In addition to any other  
5 35 funds appropriated from the general fund of the state  
5 36 to the division of criminal investigation and bureau

5 37 of identification, there is appropriated from the  
5 38 general fund of the state to the division of criminal  
5 39 investigation and bureau of identification for the  
5 40 fiscal year beginning July 1, 2005, and ending June  
5 41 30, 2006, an amount not exceeding \$929,206. The funds  
5 42 appropriated in this section are contingent upon  
5 43 receipt by the general fund of the state of an amount  
5 44 at least equal to the expenditure amount from costs or  
5 45 attorney fees awarded the state in settlement of its  
5 46 antitrust action against Microsoft brought under  
5 47 chapter 553. However, if the amounts received as a  
5 48 result of this settlement are in excess of \$929,206,  
5 49 the excess amounts shall not be appropriated to the  
5 50 division of criminal investigation and bureau of  
6 1 identification pursuant to this section.>  
6 2 [#41](#). By renumbering as necessary.  
6 3 HF 811.H  
6 4 jm/es/25